

PROPOSED AMENDMENT  
TO SECTION 8.1 OF ARTICLE I  
OF THE ILLINOIS CONSTITUTION

EXPLANATION OF THE PROPOSED AMENDMENT  
ARGUMENTS IN FAVOR OF THE AMENDMENT  
ARGUMENTS AGAINST THE AMENDMENT

To the Electors of the State of Illinois:

The purpose of a state constitution is to establish a structure for government and laws. There are three ways to initiate change to the Illinois Constitution: (1) a constitutional convention may propose changes to any part; (2) the General Assembly may propose changes to any part; or (3) a petition initiative may propose amendments limited to structural and procedural subjects contained in the Legislative Article. The people of Illinois must approve any changes to the Constitution before they become effective.

EXPLANATION

The Constitution sets forth substantial rights for crime victims. The proposed amendment expands certain current rights:

- 1) Victims are currently entitled to fairness and respect throughout the criminal justice process. The amendment would also provide that they shall be protected from harassment,
- 2) Victims currently can make a statement to the court when a criminal defendant is sentenced to punishment. The amendment would allow a victim to be heard at any proceeding that involves the victim's rights, and any proceeding involving a plea agreement, release of the defendant or convicted individual, or sentencing.
- 3) Victims may obtain information about conviction, sentencing, imprisonment or release. The amendment would require prosecutors and the court to notify victims of those events before they happen.

The amendment would also grant additional rights to crime victims:

- 1) A victim would have a right to formal notice and a hearing before the court rules on any request for access to the victim's information which is privileged or confidential information.

2) A victim would have the right to have the judge consider the victim's safety and the safety of his or her family before deciding whether to release a criminal defendant, setting the amount of bail to be paid before release, or setting conditions of release after arrest or conviction.

3) The victim would have the right to assert his or her rights in any court with jurisdiction over the criminal case, but would not have the same rights as the prosecutor or the criminal defendant and the court could not appoint an attorney for the victim at taxpayer expense.

The proposed amendment would not alter the powers, duties or responsibilities of the prosecutor. Further, a criminal defendant would not be able to challenge his or her conviction on the basis of a failure to follow these provisions.

### Arguments in Favor of the Proposed Amendment

Victims of violent crimes deserve stronger protections under the Constitution than are currently provided. Victims should not have to fear intimidation and harassment when they participate in the criminal justice process. Judges must consider a victim's safety when setting bail, deciding whether a criminal defendant should be released during his or her trial, or sentencing a convicted defendant.

Further, victims should also be allowed to object when a defendant or a defendant's attorney attempts to obtain information about the victim that is confidential or private, like the victim's mental health records or personal journals. A judge would still be able to require a victim to turn those records or communications over to the court, but the amendment would allow the victim to object if he or she feels that a privacy violation would result.

A constitutional amendment is necessary because victims need the ability to enforce their rights. This amendment would provide that judges and prosecutors have a constitutional duty to keep the victim informed of developments in the case, and to allow the victim to participate when appropriate.

## Arguments Against the Proposed Amendment

The proposed amendment would disrupt the criminal justice process and impede the work of prosecutors. Our criminal justice system tasks prosecutors, not victims, with punishing criminals and restoring justice after a crime is committed. Victims and their attorneys may attempt to take over that important role, second-guessing prosecutors and objecting to decisions made by judges.

Victims already have a right to be present and informed during the process, and Illinois already provides extensive rights to crime victims under the Rights of Crime Victims and Witnesses Act.

The proposed amendment threatens the rights of criminal defendants, both the guilty and the innocent. Our system gives criminal defendants the right to access information, documents and records that could prove their innocence; however, the amendment would give a victim the opportunity to prevent disclosure of certain materials or documents that might prove the defendant's innocence.

## Proposed Amendment to the 1970 Illinois Constitution Explanation of Amendment

The proposed amendment makes changes to Section 8.1 of Article I of the Illinois Constitution, the Crime Victims' Bill of Rights. The proposed amendment would expand certain rights already granted to crime victims in Illinois, and give crime victims the ability to enforce their rights in a court of law. You are asked to decide whether the proposed amendment should become part of the Illinois Constitution.

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YES	For the proposed amendment -
-----	of Section 8.1 of Article I
NO	of the Illinois Constitution.
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PROPOSED AMENDMENT  
TO ADD SECTION 8 TO ARTICLE III  
OF THE ILLINOIS CONSTITUTION

EXPLANATION OF THE PROPOSED AMENDMENT  
ARGUMENTS IN FAVOR OF THE AMENDMENT  
ARGUMENTS AGAINST THE AMENDMENT

To the Electors of the State of Illinois:

The purpose of a state constitution is to establish a structure for government and laws. There are three ways to initiate change to the Illinois Constitution: (1) a constitutional convention may propose changes to any part; (2) the General Assembly may propose changes to any part; or (3) a petition initiative may propose amendments limited to structural and procedural subjects contained in the Legislative Article. The people of Illinois must approve any changes to the Constitution before they become effective.

The proposed amendment adds a new section to the Suffrage and Elections Article of the Illinois Constitution. The section would ensure no person could be denied the right to register to vote or cast a ballot based on his or her race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation, or income. At the general election to be held on November 4, 2014, you will be called upon to decide whether the proposed amendment should become part of the Illinois Constitution.

EXPLANATION

The proposed amendment would prohibit any law or procedure that intentionally discriminates or has an unequal effect upon the right of a person to register to vote or cast a ballot based on the voter's race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation, or income.

The proposed amendment does not change the requirements for voting. A voter must still be a citizen of the United States, a permanent resident of Illinois for more than 30 days, and be 18 years of age.

## Arguments In Favor of the Proposed Amendment

The proposed amendment is a demonstration that the people of Illinois believe all eligible Illinois citizens have a fundamental right to vote, and that laws and regulations that seek to prohibit eligible Illinois citizens from voting in an election should not be tolerated in a civil society. Under the amendment, any law or procedure that has a disparate impact upon the ability of a person to register to vote or cast a ballot based on the voter's race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation, or income would be subject to strict judicial scrutiny.

## Arguments Against the Proposed Amendment

This amendment is not necessary. Many of these protections are already provided by federal law. The proponents have not identified any instances of voter discrimination in Illinois that would justify the creation of a State cause of action. The proposed amendment will only serve to increase litigation.

## Proposed Amendment to the 1970 Illinois Constitution Explanation of Amendment

The proposed amendment adds a new section to the Suffrage and Elections Article of the Illinois Constitution. The proposed amendment would prohibit any law that disproportionately affects the rights of eligible Illinois citizens to register to vote or cast a ballot based on the voter's race, color, ethnicity, status as a member of a language minority, national origin, religion, sex, sexual orientation, or income. You are asked to decide whether the proposed amendment should become part of the Illinois Constitution.

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YES	For the proposed addition -
-----	of Section 8 to Article III
NO	of the Illinois Constitution.
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